

U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Canon City, CO 81212

DETERMINATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

OFFICE: Royal Gorge Field Office

PROJECT NUMBER: DOI-BLM-CO-200-2013-0043 DN

PROPOSED ACTION TITLE/TYPE: Range – Grazing Permit Transfer for Clear Creek Allotment.

LOCATION/LEGAL DESCRIPTION: Sixth Principle Meridian, Gilpin County

Allotment Name	Legal Description
Clear Creek	T3S R72W Sec. 20,30, T3S R73W Sec. 23,24,25,26 (irregular parcels as shown on Project Map)

A. Description of the Proposed Action and any applicable mitigation measures

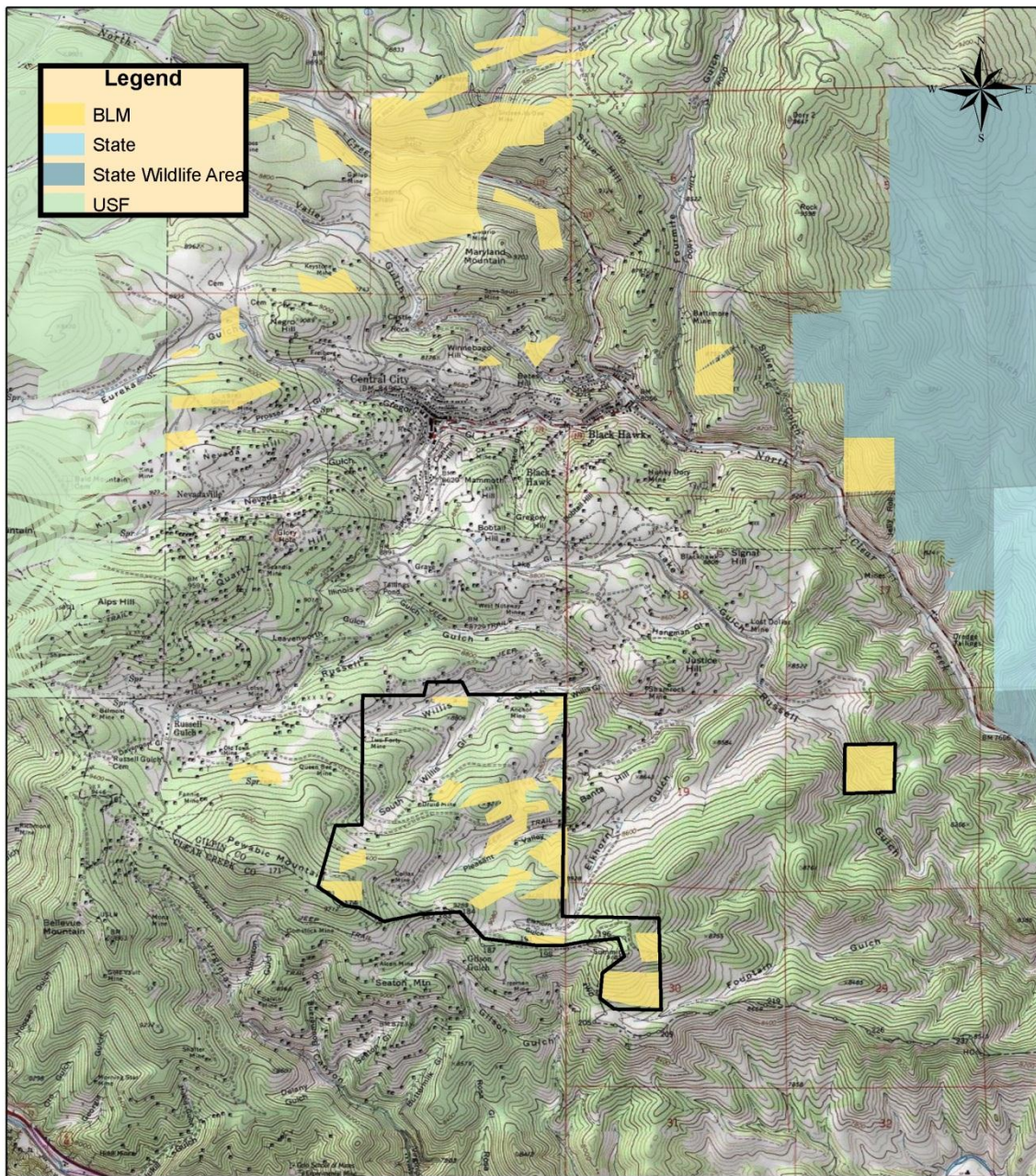
The proposed action is to transfer the authorization to graze livestock on public lands included in the allotment listed in the table above. The new lease/permit will expire after ten years. Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

The allotment has undergone internal interdisciplinary team review through a Public Land Health Assessment in 2008 and is currently meeting public land health standards.

The previous and future management on all allotments listed above, was and will be “custodial management”. Custodial management is generally used on allotments that consist of relatively small or scattered parcels of public lands that are unfenced from large amounts of private land, are difficult to manage separately, and have limited resource issues. In order to be included in a “Custodial” classification, resources on an allotment are generally considered to be in acceptable condition and are generally producing at or near their potential. Under custodial management, the permit includes a specific number of livestock and the specific amount of grazing use (AUMs) authorized on the public land. However, the lessee is not restricted to that specific number of livestock, nor restricted to specific grazing dates, as long as the authorized amount of grazing use on public land within the pasture is not exceeded.

Grazing use on the allotment was and will be scheduled as follows:

	Grazing Period		% Public
<u>Kind</u>	<u>Begin</u>	<u>End</u>	<u>Land</u>
Cattle	03/01	02/28	100%



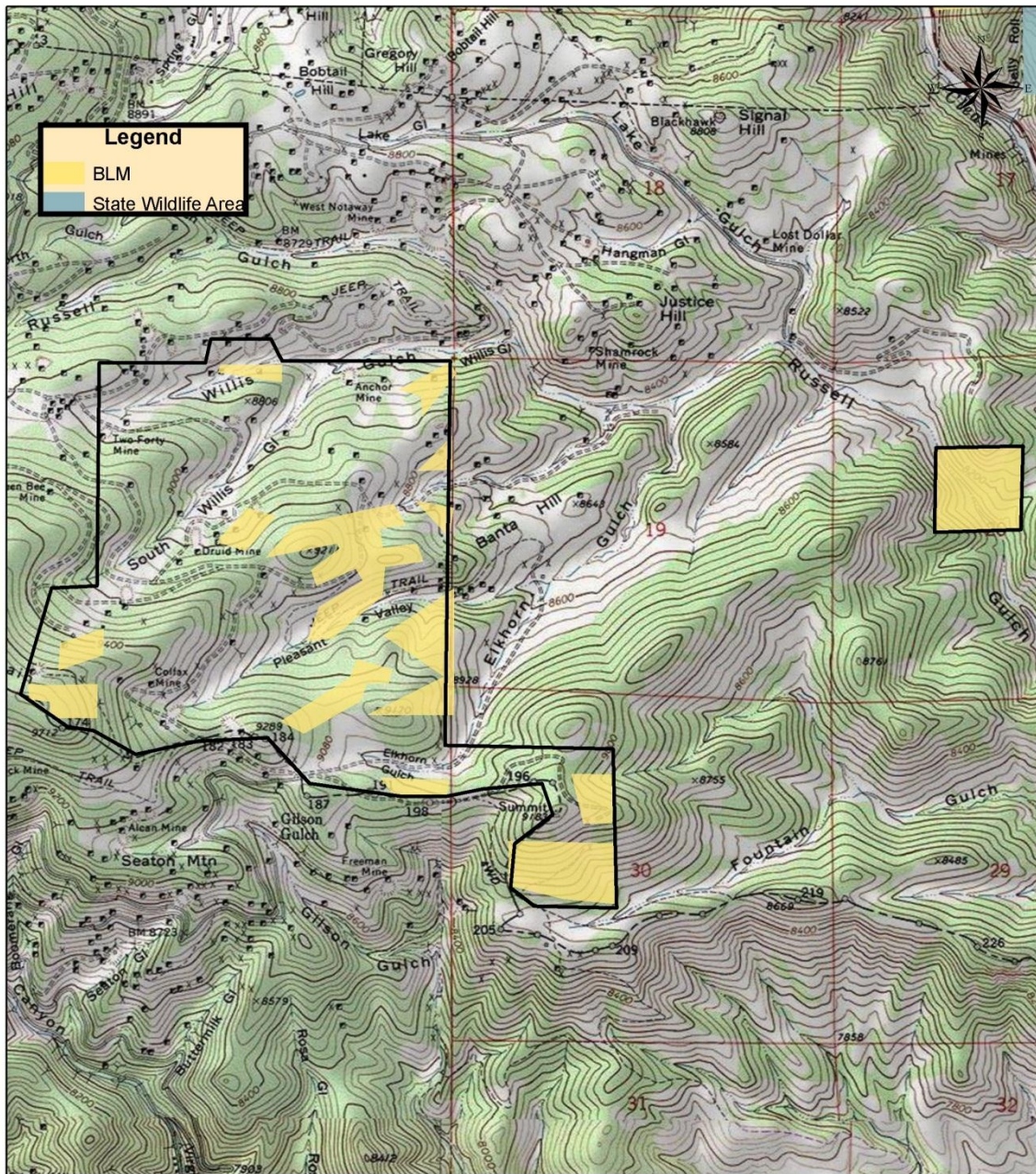
OVERVIEW MAP Clear Creek Allotment

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0 0.5 1 2 Miles

NOTE TO MAP USERS
No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.



PROJECT MAP Clear Creek Allotment

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0 0.25 0.5 1 Miles

NOTE TO MAP USERS
No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.

Land Use Plan (LUP) Conformance

LUP Name Northeast Resource Management Plan	Date Approved 09/16/1986
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The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: Issue 5, Page 9.

Decision Language:

Custodial level management provides for use up to the grazing capacity as determined by field examination with adjustments made if necessary after monitoring. Grazing on public land occurs in conjunction with the lessee's normal operation. Monitoring of grazing use, range condition, and trend will provide indication of needed improvements or possible changes in grazing use.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Term Grazing Permit Renewals: CO-200-2008-0109 EA.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessments: 2008

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The Proposed Action is substantially the same action and at the site specifically analyzed in the existing NEPA documents(s). Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The RMP/EIS and EA's considered a range of alternatives. The existing EA for permit renewal was conducted in 2008 and continues to be appropriate for current conditions. The EA included a proposed action alternative, which would have provided for any change in grazing or

season of use, a no action alternative that would have continued grazing as previously scheduled and a no grazing alternative. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The previous information and circumstances and analysis are still valid in light of the 2008 Health Assessment, and no new issues concerning grazing have arisen on this allotment.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The impacts remain unchanged. Those impacts, including cumulative impacts, normally associated with livestock grazing are mitigated through managed grazing schedules, pasture rotations and monitoring of land health standards.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Extensive scoping and public involvement occurred in the RMP/EIS. Also, scoping occurred during the recent permit renewal.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 2/19/2013
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	-----
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	-----
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL, 02/14/2013
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 02/19/2013
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 02/21/13
Melissa Smeins	Geologist	Minerals, Paleontology	-----
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 2/20/13
Ty Webb	Prescribed Fire Specialist	Air Quality	TW, 2/15/13
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 2/13/2013
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 2/14/2013
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	KR, 2/14/13
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw, 2/14/13
Monica Weimer	Archaeologist	Cultural, Native American	-----
Erin Watkins	Archaeologist	Cultural, Native American	EW, 3/18/2013
Vera Matthews	Realty Specialist	Realty	-----
Steve Craddock	Realty Specialist	Realty	SRC, 2/20/2013
Bob Hurley	Fire Management Officer	Fire Management	BH, 2/15/2013
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	NA

Other Agency Represented: None

REMARKS:

Threatened and Endangered Species: There are no records of T&E or BLM sensitive species in the area of these allotments but there is suitable habitat. Under the current grazing plan, impacts to TES species or their habitat have not been observed. There are no known goshawk nest territories in the area of the allotments, although surveys have not been completed. Goshawks require large expanses of continuous forest, a condition that is rare in the area. Impacts to goshawk nest sites are not likely since these would be found in areas not attractive to and/or inaccessible to cattle. The proposed action will not affect T&E or BLM sensitive species.

Wastes, Hazardous or Solid: Please be advised that there is a lot of historic mining waste and hazards in these areas.

Minerals: There is an active 3809 Plan of Operations for placer gold mining on the BLM parcel in Section 20. Currently, there is no fencing delineating this site.

Cultural Resources: Pursuant to BLM Instruction Memorandum Number CO-2002-029, RGFO cultural resources staff conducted a literature review of previous inventories and sites recorded on the public land in the allotment area [see Report CR-RG-12-146(RR)]. Based on the information collected during the literature review, it was determined that no historic properties would be impacted by the proposed undertaking.

Native American Religious Concerns: The literature review indicated that no traditional cultural properties have been recorded within the allotment boundaries. Native American Tribal consultation has been completed for these allotments [see Report CR-RG-12-146(RR)]. There is no other known evidence that suggests the project area holds special significance for Native Americans. Therefore, it is unlikely that any traditional cultural properties or other sites of concern to the tribes will be affected by grazing

CONCLUSION

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Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: John Lamman /s/

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: Melissa K.S. Garcia

SIGNATURE OF THE RESPONSIBLE OFFICIAL: /s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE: 4/4/13

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.